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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,801	06/20/2000	James A. Jorasch	00-032	5985

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EXAMINER	
CHERUBIN, YVESTE GILBERTE	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/597,801	JORASCH ET AL.	
	Examiner	Art Unit	
	Yveste G. Cherubin	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-9,73-85 and 88-98* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-9,73-85 and 88-98* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is in response to the amendment of the US Application No. 09/597,801 filed August 6, 2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 6-9, 73-85, 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 7, 73, 79, 80, 81, 88 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the value of the token is being changed. The claims fail to recite the steps and show how a token, a tangible device, is able to change value. A token, by definition, is a piece of metal used as a substitute for currency, which usually has a value associated with it, etc. How one is able to make the value change is not shown by the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. Therefore, the claims need to be amended to show how a mechanical device, such as a token, is capable of changing value. How one comes to carry out these steps is not shown by the claims. Appropriate correction is required.

Claims 8, 9, 74-79, 81-85 are rejected as being dependent upon base claims 6, 7, 73, 79, 80, 81 and 88 respectively.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 6, 8 80, 92-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet et al. (US Patent No. 6,264,109) in view of (Eglise et al. (US Patent No. 4,926,996).

Regarding claims 6, 8, 80, 92, 93-98, Chapet discloses a gambling chip in the form of token/s containing an electronic chip, 1:5-15. So-called chips are currently well known in the art (they are devices consisting of a number of connected circuit elements, such as transistors and resistors, fabricated on a single chip of silicon crystal or other semiconductor material). Chapet discloses his device comprising an electronic circuit incorporating a memory capable of being a re-programmable (reading/writing) device, 5:3-24. Although Chapet discloses the capability of having a numerical value associated with his gaming token, Chapet fails to disclose associating a first non-zero value with his gaming token and at event detection, associating a second non-zero value being different from the first non-zero value. Eglise teaches a two-way communication token interrogation apparatus, see title. Eglise further teaches associating a first non-zero value with the token used in his system, 1:45-48, and in response to the detection of an event (a transaction completion), associating a second non-zero value with the gaming token, 1:45-57, 2:56-61, 10:43-57. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Eglise into the Chapet type device in order to reduce the number of coins that players have to carry around. Chapet in view of Eglise disclose associating a non-zero value with the gaming token in response to detection of event, as shown above, 1:45-57, 2:56-61, 10:43-57. However, Chapet in view of Eglise fail to disclose the detection of event being a period of time that a player has played a gaming device, a number of times that a player has played the gaming device, cashing in of the gaming token, insertion of the gaming token, a player having achieved a predetermined rank of hand, a player having played at least a predetermined number of plays of a game within a predetermined period of time, a gaming token having been taken out of a room by a player. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the featured limitations cited above, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

b. Claims 73, 75-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise and further in view of Modler.

As per claim 73, Chapet in view of Eglise disclose all the claimed invention as discussed above with the exception of including a display device mounted in the gaming token, the display device being switchable between a first display status and a second display status different from the first display status. Modler teaches a gaming token on which the value of the token is engraved/displayed on the face of the token, see Figs 2,

3. Since it has been held that broadly providing an automatic means to replace mechanical means which has accomplished the same result involves only routine skill in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display of Modler to become an electronic display and implement it into the Chapet in view of Eglise type system in order to indicate the value of the gaming token in a viewable manner. As for switching between a first display to a second display different from the first display, it has already been shown above how Eglise alters the status of the token device, therefore switching from one display to a second display would have been obvious. Such configuration would allow the display of the current status of the token.

Regarding claims 75-76, Modler further teaches the use of alphanumeric readout on his token device, see Figs 2 and 3. The Examiner takes official notice that the use of token with no/blank display is known. Displaying blank as a first display status would have been a matter of design choice. Such feature would prevent players/users from viewing the status of the gaming token.

Regarding claims 77 and 78, the use of LED or LCD is known. The examiner takes Official Notice of the use of a light-emitting diode (LED) or liquid crystal display (LCD) in a display device. Therefore, including LED or LCD in this instant device would have been a matter of choice. Such feature would enhance the visual output of the display device.

c. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise and Modler and further in view of Bonifas.

Regarding claim 74, Chapet in view of Eglise and Modler disclose the claimed invention as substantially as discussed above. Chapet in view of Eglise and Modler fail to disclose a display device displaying a first color in the first display status and displaying a second color, different from the first color, in the second display status, 1:26-28. Bonifas teaches the use of different color for displaying different status of tokens. It would have been obvious to ordinary skill in the art at the time the invention was made to provide the color teaching as stated/taught by Bonifas into the Chapet in view of Eglise and Modler type device in order to help differentiate the status of the token in one quick view.

d. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise, Modler and further in view of Orus (US Patent No. 5,706,925).

Regarding claim 79, Chapet in view of Eglise, Modler disclose all the limitations of the claimed invention as discussed above with the exception of including a sound emitting device, mounted in the gaming token, for emitting at least one sound indicative of a status of the gaming token. Orus teaches a token including a sound emitting device (metal ring), mounted on the gaming token for emitting a sound (jingling sound) indicative of a status of the gaming token, see abstract, 1:65-67, 2:1-2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide the sound feature as taught by Orus into the Chapet in view of Eglise, Modler type device in order to provide audible feedback to players/users.

e. Claims 7, 9, 81-82, 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise and further in view of Bonifas.

Regarding claims 81, 88, Chapet in view of Eglise disclose the claimed invention as substantially as discussed above. Chapet in view of Eglise fail to disclose reading a token identifier from the gaming token and determining on the basis of the read token identifier whether a prize has been won and displaying a result of the determining step. Bonifas teaches a card reader capable of reading a card in which an electronic chip has been inserted. Bonifas as well as Chapet teach an electronic chip embedded in a device. So-called chips are well known and can be used in a variety of electronic devices, such as a token or a card or a jeton, etc. With that said, the electronic chip of Bonifas is being read as analogous to the electronic chip inserted inside the token of Chapet. Bonifas is cited to teach a card reader for gaming machine, see title. Bonifas further teaches receiving a gaming chip in the form of a card at a gaming device and determining on the basis of the read (chip) identifier, whether a prize has been won and displaying result of the determining step, 5:4-17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Bonifas into the Chapet in view of Eglise type device in order to notify players of the status of their card (token/chip).

Regarding claims 7, 9, 82, Bonifas teaches a gaming device being a slot machine as shown in Fig 1.

f. Claims 83-85, 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise, Bonifas and further in view of Orus.

Regarding claims 83-85, Chapet in view of Eglise, Bonifas disclose the claimed invention as substantially as discussed above. Chapet in view of Eglise and Bonifas fail to disclose a reading comprising receiving a signal transmitted from the gaming token and receiving a signal transmitted via wireless communication from the gaming token and optically scanning the gaming token. Orus teaches a gaming device allowing the use of a token and wherein the reading comprises receiving a signal transmitted via wireless communication from the gaming token, 5:20-37,, receiving a signal transmitted via wireless communication from the gaming token, 5:25 and optically scanning the gaming token, 5:19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the communication transmission as taught by Orus into the Chapet in view of Eglise and Bonifas device for system enhancement.

Regarding claims 90-91, the Examiner takes official notice of gaming machine allowing players to play bingo or drawing being well known devices.

g. Claims 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapet in view of Eglise, Bonifas and further in view of Modler.

Regarding claim 89, Chapet in view of Eglise disclose the claimed invention as substantially as discussed above. Chapet in view of Eglise fail to disclose displaying information being alphanumeric information. Modler teaches a gaming token in which displaying information is alphanumeric information, see Figs 2, 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Chapet in view of Eglise in order to avoid confusion of the status of the gaming token.

Prior Art Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PT-892 attached.

Response to Arguments

5. Applicant's arguments with respect to claims 6-9, 73-98 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (571) 272-4434. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Thai Xuan can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ygc

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PRIMARY EXAMINER
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